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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORBITAL PUBLISHING GROUP, INC.,

Plaintiff,

- against -

BANK OF AMERICA, N.A.,

Defendant.

11 Civ. 3065 (PAC)

**STIPULATION AND ORDER
DIRECTING DISBURSEMENT
OF FUNDS AND
DISMISSAL OF ACTION**

WHEREAS, the Court entered an Order dated May 13, 2011 (the "Order"), directing defendant Bank of America, N.A. ("BANA") to pay to the Clerk of the Court ten percent (10%) of the balance of the funds from Plaintiff Orbital Publishing Group, Inc.'s ("Orbital") demand deposit accounts at BANA, and

WHEREAS, BANA complied with the Order by depositing the sum of \$47,397.84 with the Clerk of the Court, and

WHEREAS, the parties having notified the Court that they have reached a resolution of this action.

IT IS HEREBY STIPULATED AND AGREED, that

1. The Clerk of the Court is directed to: (a) disburse the sum of ELEVEN THOUSAND TWO HUNDRED AND FORTY NINE DOLLARS (\$11,249.) to BANA's counsel, Zeichner Ellman & Krause LLP ("ZEK"), by check payable to "Zeichner Ellman & Krause LLP, as attorneys for Bank of America," and (b) disburse the remaining sum of THIRTY SIX THOUSAND ONE HUNDRED FORTY EIGHT

ML

DOLLARS AND EIGHTY FOUR CENTS (\$36,148.84), plus any accrued interest, to Orbital's counsel, Lennon & Klein, P.C. ("Lennon & Klein") by check payable to "David Lennon, Esq. of Lennon & Klein, P.C. as attorneys for Orbital Publishing Group, Inc.," and

2. This Action is dismissed with prejudice as to the Complaint and without prejudice as to the counterclaims and defenses alleged in the Answer, with each party to bear its own costs.

Dated: New York, New York
November 5, 2012

LENNON & KLEIN, P.C.

ZEICHNER ELLMAN & KRAUSE LLP

By:

David P. Lennon, Esq.
Attorneys for Plaintiff
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By:

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January 19, 2012

SO ORDERED:

Paul Blarts

U.S.D.J.

M